

while the man who is receiving, as has been said here in the debate, a salary of one, two, or three thousand dollars a year, goes scot free, and pays no tax whatever. The objection to the capitation tax, that it is to affect the poor man more than the rich, is untenable. The rich man has to pay the capitation tax as well as the poor man, and besides that he has to pay a tax upon his property. If a man has not property enough to pay the capitation tax which shall be laid upon him, then let the Legislature make provision that the tax shall not be collected from such men. But if they have means which are not on the assessment books, and which are not taxed as property, out of which the tax can be paid, then let the Legislature give to the collector of taxes the power to make them pay it. Let them provide for attachment upon the salary, or upon the money in the pocket of such men, if they have it, for the payment of this tax. It is that we may not restrict the power of the Legislature to levy taxes, that I am in favor of this amendment, and in favor of leaving out from the bill of rights the prohibition upon the Legislature forever hereafter, from levying such a tax as this.

• Mr. JONES, of Somerset. I alluded, this morning to the vagueness of this article. I find that there has been litigation about the right of taxation. There was a case in the city of Baltimore, of taxing a billiard table, kept for amusement principally; and the Court held that it was in the power of the State to tax the amusements of the people, "either for the purpose of revenue or as a police regulation," and referred to the 13th article of the bill of rights for the power of the Legislature to impose such taxes. The Convention ought not, therefore, to leave this section until it is made so clear that litigation will not grow out of the tax laws passed by the State.

Mr. THOMAS demanded the yeas and nays; and they were ordered.

The question being taken, the result was—yeas, 45; nays, 38—as follows:

*Yeas*—Messrs. Goldsborough, President; Annan, Belt, Bond, Carter, Cushing, Dail, Daniel, Davis of Washington, Dellinger, Dennis, Earle, Farrow, Greene, Hebb, Henkle, Hodson, Hopkins, Hopper, Horsey, Johnson, Jones of Cecil, Jones of Somerset, King, Lansdale, Larsh, Lee, Mace, Miller, Mullikin, Murray, Noble, Nyman, Parker, Pugh, Robinette, Schley, Scott, Smith of Dorchester, Sneary, Sykes, Thruston, Todd, Wickard, Wilmer—45.

*Nays*—Messrs. Abbott, Audoun, Baker, Barron, Berry of Prince George's, Billingsley, Blackiston, Briscoe, Brown, Crawford, Cunningham, Davis of Charles, Duval, Ecker, Edelin, Galloway, Harwood, Hatch, Keefer, Kennard, Marbury, Markey, McComas, Mitchell, Morgan, Negley, Parran, Peter, Farnell, Ridgely, Russel, Schlosser, Smith of Carroll, Smith of Worcester, Stirling, Stockbridge, Thomas, Wooden—38.

So the amendment to the amendment was adopted.

Mr. ABBOTT, when his name was called, said: I do not very much object to this form for the section, but I prefer the form as reported by the committee, with the exception of one word, which, at the proper time, I will ask to be altered, and I therefore vote—no.

Mr. BILLINGSLEY, when his name was called, said: I have not the vanity to suppose for a moment that anything I say upon this subject or any other, will change the opinion of this body, and I shall not obtrude my opinions or sentiments here, except in explanation of my vote, and to indicate a principle upon which I think the honor and integrity of my State are concerned. I have great veneration for antiquity, and great respect for the beacon lights established by the patriotism of our fathers. I am disposed to vote against this amendment because I am perfectly satisfied with the bill as it now stands. It has worked well, heretofore, and I believe will work well for all time to come. I think it is better at this period of our history, to bear the ills we have, if those ills are not too onerous, than fly to others we know not of. I vote—no.

Mr. KENNARD, when his name was called, said: While the amendment meets the difficulty in my mind in reference to the elective franchise, yet, as I am opposed to the capitation tax entirely, I vote—no.

Mr. RIDGELEY, when his name was called, said: I shall vote against this proposition for the reason that in my judgment it confers no larger power upon the Legislature than the article as reported by the committee. The Court of Appeals have decided upon this very 13th article of the bill of rights, that the Legislature possess the power to tax the person as well as the property of citizens for purposes of revenue; and under that adjudication of the existing article I can see no propriety whatever in the amendment. I therefore vote—no.

Mr. SCHLEY. Yesterday I favored the article as reported from the committee, under the impression and belief that the operation of taxes by the poll, wherever such taxes exist, was either directly or indirectly a tax upon the elective franchise. I had no objection to a capitation tax, or tax of any personal character whatever that did not involve the elective franchise. Believing that the amendment now before us distinctly enunciates my views, perhaps more distinctly than the article as reported, I vote—aye.

The result of the vote having been announced,

Mr. MILLER submitted the following amendment to the amendment as amended.

After the word "suffrage," in the last line, insert: "But it being the duty of every qualified voter to exercise the right of suffrage, the Legislature ought to provide, by law, fines